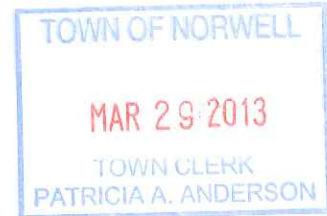


Town of Norwell
BOARD OF APPEALS
PUBLIC HEARING of January 30, 2013
Meeting Minutes

MEETING DATE: January 30, 2013
TIME SCHEDULED: 7:30 P.M.
MEETING LOCATION: Norwell Town Hall, Gym
MEMBERS PRESENT: Lois S. Barbour, Chair
Ralph J. Rivkind
Patrick J. Haraden
OTHERS PRESENT: R. W. Galvin, Town Counsel
Members of the Public (~ 30)
NOT PRESENT: Philip Y. Brown
David Lee Turner
Michael K. Kiernan
Thomas P. Harrison
PROPONENT: Warren F. Baker; Baker, Braverman & Barbadoro
C. R. Agostino; Baker, Braverman & Barbadoro
Jack Sullivan, Simon Hill LLC
Brian Murphy, Unicorn Realty
Bradley C. McKenzie, P.E. (Project Engineer) of
McKenzie Engineering Group, Inc.
Vanasse & Associates, Inc. (Traffic Consultant)
PURPOSE: Continued Public Hearing on Amended 40B Application
APPLICANT: **SIMON HILL LLC**
PROPERTY LOCATION: **Off Prospect Street**



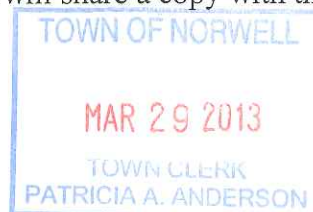
The continued public hearing was called to order shortly after 7:30 PM with notice of the meeting read by the chair. Warren Baker and Christopher Agostino, attorneys for the applicant were present, as was John Sullivan and Brian Murphy. A traffic consultant and the project engineer, Brad McKenzie, were also present but did not speak during the hearing. There were approximately thirty members of the public present, in addition to the applicant's representatives, Board members, and Town Counsel.

Discussion focused primarily on jurisdictional issues and whether a new project eligibility letter should be obtained. The Board read excerpts from the original 6/30/08 project eligibility letter, which states explicitly that any changes in the originally proposed project would require a new project eligibility letter. There is a difference of opinion between the applicant and the Board on that issue, which will remain unresolved until a response is received from the state. Currently, the applicant is awaiting a response to its 12/21/12 letter to MassHousing Finance Agency. (N.B. Mr. Agostino had originally

asserted to Mr. Galvin, who then conveyed to the chair that letter had been sent at the time the project change notice was given to the Board on or about 11/19/12. However, when the Board received the MassHousing letter at the 1/2/13 public hearing, it was dated 12/21/12.)

The applicant without notice brought its engineer and traffic consultant to make a presentation. However, as the Board had not yet selected its peer review consultant nor received escrow, coupled with the outstanding question on jurisdictional requirements, no presentation was made.

1. The applicant provided additional information, including an extension continuing the public hearing to 3/13/13, handwritten by Warren Baker on yellow-lined paper and delivered to the Board immediately following the close of the meeting [N.B. which as Mr. Baker requested was scanned and emailed to him the following day].
2. A school impact report was received at the meeting. [N.B. That report was subsequently sent to the Superintendent of Schools for comment.]
3. A few copies of a traffic report were submitted during the meeting unaccompanied by a transmittal letter.
4. The applicant agreed to pay \$9,130.40 due within the week to cover fees owed and allowed under the HAC decision on the original appeal, which was the amount indicated in the Board's letter requesting additional information and sent following the opening of the public hearing on January 2, 2013. [N.B. Received in the Building Office on 2/4/13]
5. The applicant also agreed to provide an escrow check in the amount of \$20,000 for peer review, payable to the Town of Norwell. Mr. Chessia is not authorized to proceed with any review until such time as the deposit has been received by the Town. [N.B. Received in the Building Office on 2/4/13]
6. The applicant stated that a grading plan and drainage calculations will be submitted within two weeks' time or by 2/13/13.
7. A copy of all information submitted to the Board of Appeals to date and any subsequent information including the promised the grading plan and drainage calculations shall be conveyed to Chessia Consulting Services upon receipt.
8. Once Chessia Consulting Services has received all the information previously mentioned (and only after receipt of the requisite escrow deposit), Mr. Chessia will be instructed to develop a scope of services proposal to be sent to Town Counsel for his review and approval. Once Mr. Chessia and Mr. Galvin are in agreement on the scope wording, Mr. Galvin will share a copy with the applicant.



9. After signing of the scope of services by Mr. Boudreau, the Town's chief procurement officer, Mr. Chessia will commence review of plans and provide a written report. The Board anticipates review will take approximately two weeks, Mr. Chessia's normal review timeframe, and be completed by 3/6/13. It is further anticipated that the final report will immediately be distributed to members of the Board and the applicant and be available in the Building Office for public inspection one week prior to the continued public hearing on 3/13/13.
10. The applicant agreed the 180-day time in which the Board of Appeals is required to arrive at a decision shall commence the day after the promised grading plan and drainage calculations are received by the Board of Appeals. (N.B. The Board must conduct the public hearing in accordance with 760 CMR 56.05(3) and file its decision in accordance with 760 CMR 56.05(8).)
11. All parties anxiously await the response of MassHousing Finance Agency to the applicant's letter of 12/21/12 regarding the project eligibility letter. The Board of Appeals reserves its right to raise the issue of filing fees after that response is received.
12. All Town Boards and departments listed on the Comprehensive Permit application should receive packets of information submitted to date. If the requisite number of copies is insufficient, further copies should be requested as soon as possible from the applicant.)
13. Two members of the public spoke. Paul McGloin of 58 Prospect Street congratulated the Board on allowing members of the public to be active participants in the process.
14. Marie Molla of 88 Prospect Street pointed out a further sentence in the original project eligibility letter that she felt was even clearer than the one read into the record. No further comments were offered by members of the public.

VOTED by the Board of Appeals:

1. The Board **VOTED** to continue the public hearing to 3/13/13, upon the applicant's agreement to file a written extension of the public hearing to that date. (N.B. The date of the next public hearing is based upon the applicant's projected document submission timetable and the Board's Rules for peer review.)
2. The past due fees due, as approved in the HAC's original decision, in the amount of \$9,130.40 shall be paid within one week of this meeting.
3. In accordance with the applicant's agreement, \$20,000 escrow deposit shall be provided for peer review fees.

